

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**SPOUT SPRINGS MOUNTAIN RESORT,
INC., JOHN MURRAY, and NANCY
MURRAY,**

Defendants.

JOHN MURRAY,

Counterclaim Plaintiff,

v.

**UNITED STATES OF AMERICA, by and
through U.S. FOREST SERVICE,**

Counterclaim Defendant.

Case No. 2:22-cv-01372-HL

**ORDER ADOPTING JUDGE
HALLMAN’S FINDINGS AND
RECOMMENDATION**

IMMERGUT, District Judge.

No objections have been filed to Magistrate Judge Hallman’s Findings and Recommendation (“F&R”), ECF 51. This Court ADOPTS Judge Hallman’s F&R and

accordingly GRANTS the United States' Motion to Dismiss John Murray's Counterclaims, ECF 31. This Court also *sua sponte* DISMISSES Spout Springs Mountain Resort, Inc. and Nancy Murray from this action.

STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No objections were filed in response to Judge Hallman's F&R. Nonetheless, this Court has reviewed the F&R de novo. The F&R, ECF 51, is adopted in full. This Court GRANTS the United States' Motion to Dismiss John Murray's Counterclaims, ECF 31, and Spout Springs Mountain Resort, Inc. and Nancy Murray are DISMISSED from this case.

IT IS SO ORDERED.

DATED this 17th day of April, 2025.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge